

**53A-24-101. Short title.**

This chapter is known as the "State Office of Rehabilitation Act."

Repealed and Re-enacted by Chapter 83, 1988 General Session

**53A-24-102. Definitions.**

As used in this chapter:

- (1) "Board" means the State Board of Education.
- (2) "DDDS" means the Division of Disability Determination Services.
- (3) "Disability" means a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in materially limiting an individual's activities or functioning.
- (4) "DRS" means the Division of Rehabilitation Services.
- (5) "DSBVI" means the Division of Services for the Blind and Visually Impaired.
- (6) "DSDHH" means the Division of Services to the Deaf and Hard of Hearing.
- (7) "Eligible individual" means an individual determined to be eligible to receive services under laws or rules governing eligibility for the program in question.
- (8) "Executive director" means the executive director of the Utah State Office of Rehabilitation.
- (9) "Independent living rehabilitation services" means goods and services reasonably necessary to enable an individual with a severe disability to maintain or increase functional independence.
- (10) "Office" means the Utah State Office of Rehabilitation.
- (11) "Vocational rehabilitation services" means goods and services reasonably necessary to enable an individual with a disability to obtain and retain employment.

Amended by Chapter 5, 2001 Special Session 1

**53A-24-103. Creation -- Responsibilities.**

- (1) There is created the Utah State Office of Rehabilitation under the policy direction of the State Board of Education and under the direction and general supervision of the superintendent of public instruction.
- (2) The board is the sole state agency designated to administer the state plans for vocational rehabilitation and independent living rehabilitation programs.
- (3) The office is the state unit designated to carry out the state plans and other duties assigned by law or the board.

Amended by Chapter 5, 2001 Special Session 1

**53A-24-104. Appointment of executive director -- Administration of the office.**

- (1) The executive officer of the board shall appoint the executive director of the office with the approval of the board.
- (2) The executive director shall administer the office in accordance with the direction of the executive officer of the board, policies of the board, and applicable state and federal laws and regulations.

Repealed and Re-enacted by Chapter 83, 1988 General Session

**53A-24-105. Functions of the office.**

The office may:

- (1) apply for, receive, administer, and distribute funds made available through programs of federal or state governments;
- (2) cooperate with federal or state governmental entities to administer programs and program funds;
- (3) contract or cooperate with public or private entities or individuals;
- (4) if designated by the responsible authority, and with the approval of the board, perform any functions or services for the federal or state government that relate to individuals with disabilities;
- (5) establish subordinate administrative units necessary to increase efficiency and improve the delivery of services to individuals with disabilities;
- (6) establish and operate community service centers, rehabilitation facilities, and workshops, and make grants to public and nonprofit organizations for those purposes;
- (7) determine eligibility for, and the nature and scope of, services to be provided under the state plan for vocational rehabilitation or other programs administered by the office;
- (8) assist individuals with severe disabilities to establish and operate vending machine services and other small businesses, and perform services authorized under Title 55, Chapter 5, Blind Persons Operating Vending Stands, and Chapter 5a, Blind Product Sales;
- (9) furnish materials, tools, equipment, initial stocks and supplies, and occupational licenses needed by rehabilitation facilities, workshops, and small businesses established under this chapter, and develop and execute marketing plans for materials produced by those operations;
- (10) place money received by the office or a subordinate unit through sale of products or services as authorized under this chapter into a fund managed by the office and used to support additional training, production, and sales activities;
- (11) conduct studies and investigations, give demonstrations and make reports, and provide training and instruction related to the work of the office;
- (12) establish and maintain research fellowships and traineeships, including necessary stipends and allowances for those receiving training and instruction;
- (13) institute and supervise programs to encourage the conservation of sight and hearing and assist in overcoming and preventing disabling conditions;
- (14) provide diagnostic, placement, vocational rehabilitation, training, adjustment, and independent living services; and
- (15) do all other things necessary to carry out assignments made by law or the board in assisting and rehabilitating persons with disabilities.

Amended by Chapter 303, 2011 General Session

**53A-24-106. Public funding of vocational rehabilitation and independent living rehabilitation services.**

(1) Public funding of vocational rehabilitation and independent living rehabilitation services may only be provided to eligible individuals who are found to require financial assistance with respect to those services.

(2) The executive director may establish priorities for use in determining services to be provided to eligible individuals under this chapter if the demand for services exceeds available funds.

(3) Rights established under this chapter are not transferable or assignable.

Repealed and Re-enacted by Chapter 83, 1988 General Session

**53A-24-106.5. Employment first emphasis on the provision of services.**

(1) When providing services to a person with a disability under this chapter, the office shall, within funds appropriated by the Legislature and in accordance with the requirements of federal and state law, give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment that enables the person to:

- (a) purchase goods and services;
- (b) establish self-sufficiency; and
- (c) exercise economic control of the person's life.

(2) The office shall develop a written plan to implement the policy described in Subsection (1) that includes:

- (a) assessing the strengths and needs of a person with a disability;
- (b) customizing strength-based approaches to obtaining employment;
- (c) setting expectations, providing appropriate services toward, and recognizing success in:

- (i) integrated employment in the workplace at competitive wages and benefits;

and

- (ii) self-employment;
- (d) developing partnerships with potential employers;
- (e) providing appropriate employment training opportunities;
- (f) coordinating services with other government agencies and community resources included in the Workforce Investment System;
- (g) to the extent possible, eliminating practices and policies that interfere with the policy described in Subsection (1); and
- (h) arranging for alternative work experience leading to competitive, integrated employment, including work-based training, volunteer work, and internships.

(3) The office shall, on an annual basis:

- (a) set goals to implement the policy described in Subsection (1) and the plan described in Subsection (2);
- (b) determine whether the goals for the previous year have been met; and
- (c) modify the plan described in Subsection (2) as needed.

Enacted by Chapter 169, 2011 General Session

**53A-24-107. Personally identifiable information -- Nondisclosure -- Penalty.**

(1) Personally identifiable information obtained by the office, its employees, or agents concerning individuals applying for or receiving services under this chapter may not be disclosed without the prior written consent of the individual or the individual's legal representative, except as required for administration of programs or services under this chapter, or as otherwise authorized by law.

(2) Unauthorized disclosure of personally identifiable information obtained under this chapter, or use of such information for unauthorized purposes, is a misdemeanor.

Repealed and Re-enacted by Chapter 83, 1988 General Session

**53A-24-108. Acceptance and use of gifts -- Not subject to appropriation.**

(1) The executive director may, with the approval of the board, accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this chapter.

(2) Gifts made under conditions that the board finds to be consistent with this chapter may be accepted and used in accordance with the conditions of the gift.

(3) Gifts are not subject to appropriation by the Legislature.

Repealed and Re-enacted by Chapter 83, 1988 General Session

**53A-24-109. Delegation of duties and responsibilities of the office.**

The executive director may, in accordance with applicable law and regulations and with the consent of the executive officer of the board, delegate duties and responsibilities of the office to one or more of its divisions to enable the office to better serve individuals' disabilities and to increase the efficiency and effectiveness of operations.

Amended by Chapter 37, 1996 General Session

**53A-24-110. Purpose for establishing the office.**

(1) It is the intent of the Legislature that all activities of the office and its subordinate components be conducted in such a manner that persons with disabilities will be assisted, so far as reasonably possible, to take their rightful place in open society as independent and self-supporting individuals.

(2) Neither the office nor any of its parts may assist or support any activity that will result in unnecessary continuation of a dependent or isolated state or unnecessarily separate persons with disabilities from open society.

Amended by Chapter 37, 1996 General Session

**53A-24-110.5. Assistive Technology Advisory Council -- Membership -- Duties.**

(1) The State Board of Education, through the State Office of Rehabilitation, shall utilize the Rehabilitation Services Advisory Committee as an advisory council for the Center for Assistive Technology, an interagency service unit which assists Utahns with disabilities.

(2) The council shall advise and make recommendations to the executive director of the State Office of Rehabilitation on the programs and administration of the center that would:

- (a) be interagency in nature;
- (b) address the needs of all people with disabilities; and
- (c) be consumer responsive.

Amended by Chapter 403, 1998 General Session

**53A-24-110.7. Appropriation for assistive technology devices and services.**

(1) Subject to future budget constraints, there is appropriated, as an ongoing appropriation, from the Uniform School Fund for fiscal year 2001-02, \$75,000 to the State Board of Education to be distributed to the State Office of Rehabilitation to purchase assistive technology devices and services in accordance with rules made by the State Board of Education.

(2) The office shall use the appropriation to provide:

- (a) assistance to individuals with disabilities in acquiring, customizing, and learning to use and maintain assistive technology to facilitate their independence; and
- (b) support through Independent Living Centers and other similar programs to facilitate interagency cooperation in providing assistive technology devices and services.

Amended by Chapter 328, 2001 General Session

**53A-24-114. Governor's Committee on Employment of People with Disabilities.**

(1) There is created the Governor's Committee on Employment of People with Disabilities.

(2) (a) The State Board of Education shall appoint at least 12 members to the committee.

(b) The State Board of Education shall ensure that the committee includes members from the public and private sectors who represent:

- (i) business and industry;
- (ii) individuals with disabilities and their advocates;
- (iii) job training and placement;
- (iv) administrative subunits of the state, such as the Department of Human Resource Management, the Department of Workforce Services, Public Education, Higher Education, and the Department of Human Services;
- (v) labor;
- (vi) veterans;
- (vii) medical;
- (viii) health;
- (ix) insurance;
- (x) media; and
- (xi) the general public.

(c) (i) Except as provided in Subsection (2)(c)(ii), the State Board of Education shall appoint committee members to serve four-year terms.

(ii) In making the initial appointments to the committee, the State Board of Education shall appoint approximately 1/2 of the members to two-year terms and 1/2 of the members to four-year terms.

(d) Committee members shall serve until their successors are appointed and qualified.

(e) The State Board of Education shall fill any vacancy that occurs on the committee for any reason by appointing a person according to the procedures of this section for the unexpired term of the vacated member.

(f) The State Board of Education shall select a chair from the membership.

(g) Seven members of the committee are a quorum for the transaction of business.

(3) (a) The committee shall:

(i) promote employment opportunities for individuals with disabilities;

(ii) serve as the designated state liaison to the President's Committee on Employment of People with Disabilities;

(iii) provide training and technical assistance to employers in implementing the Americans with Disabilities Act;

(iv) develop and disseminate appropriate information through workshops, meetings, and other requests in response to needs to employers and others regarding employment of individuals with disabilities;

(v) establish contacts with various community representatives to identify and resolve barriers to full participation in employment and community life;

(vi) formally recognize exemplary contributions in the areas of employment, job placement, training, rehabilitation, support services, medicine, media or public relations, and personal achievements made by individuals with disabilities;

(vii) advise, encourage, and motivate individuals with disabilities who are preparing for or seeking employment to reach their full potential as qualified employees;

(viii) advocate for policies and practices that promote full and equal rights for individuals with disabilities;

(ix) advise the State Board of Education and the governor on issues that affect employment and other requests for information on disability issues;

(x) prepare an annual report on the progress, accomplishments, and future goals of the committee and present the report to the State Board of Education and the governor; and

(xi) establish and maintain a cooperative liaison between the governor's office, the executive director of the committee, and the executive director of the Utah State Office of Rehabilitation to fulfill the committee's purpose.

(b) The committee may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures, receive and accept federal funds, and may receive and accept state funds, private gifts, donations, and funds from any source to carry out its purposes.

(4) The director of the State Office of Rehabilitation shall appoint a person to staff the committee.

Amended by Chapter 382, 2008 General Session

**53A-24-201. Definition.**

As used in this part, "director" means the director of DRS.

Enacted by Chapter 83, 1988 General Session

**53A-24-202. Creation.**

There is hereby created within the Utah State Office of Rehabilitation a Division of Rehabilitation Services, which is under the policy direction of the board and under the direction and general supervision of the executive director.

Enacted by Chapter 83, 1988 General Session

**53A-24-203. Appointment of division director -- Administration.**

(1) The executive director shall appoint the director of DRS with the approval of the board.

(2) The director of DRS shall administer the division in accordance with the direction of the executive director, board policies, and applicable state and federal laws and regulations.

Enacted by Chapter 83, 1988 General Session

**53A-24-204. Division responsibilities.**

DRS may:

- (1) provide vocational rehabilitation services to eligible individuals;
- (2) provide independent living rehabilitation services to eligible individuals;
- (3) cooperate with other public and private agencies to provide services to individuals with disabilities; and
- (4) perform other duties assigned by the executive director or the board.

Amended by Chapter 37, 1996 General Session

**53A-24-205. Appointment of advisory council.**

(1) The board shall appoint an advisory council to advise the office, DRS, and, as appropriate, the board concerning the need of individuals with disabilities and the activities of DRS regarding vocational rehabilitation services.

(2) A majority of the membership of the advisory council shall consist of individuals with disabilities.

(3) Members may be reimbursed for authorized actual and necessary expenses incurred by them in the performance of their official duties.

Amended by Chapter 37, 1996 General Session

**53A-24-301. Definitions.**

As used in this part:

(1) "Blind" means an individual, or class of individuals, whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(2) "Visual impairment" means an impairment of visual functions which is sufficient that the impairment constitutes or, if not corrected, will constitute a material limitation to normal activities or functioning.

Amended by Chapter 37, 1996 General Session

**53A-24-302. Creation.**

There is hereby created within the Utah State Office of Rehabilitation a Division of Services for the Blind and Visually Impaired, which is under the policy direction of the board and under the direction and general supervision of the executive director.

Amended by Chapter 37, 1996 General Session

**53A-24-303. Appointment of division director -- Administration.**

(1) The executive director shall appoint the director of DSBVI with the approval of the board.

(2) The director of DSBVI shall administer the division in accordance with the direction of the executive director, board policies, and applicable state and federal laws and regulations.

Amended by Chapter 37, 1996 General Session

**53A-24-304. Division responsibilities.**

DSBVI may:

(1) provide:

(a) a business enterprise program;

(b) sheltered workshops, employment, and training; and

(c) vocational rehabilitation, training and adjustment, sight conservation, prevention of blindness, low vision lens, and recreational services for individuals who are blind or have visual impairments;

(2) assist public education officials in the discharge of their duties towards children who are blind or have visual impairments, and perform services related to vision screening under Section 53A-11-203;

(3) maintain a register of individuals who are blind or have visual impairments, including such facts as the board considers necessary for proper planning, administration, and operations, but protecting against unwarranted invasions of privacy;

(4) establish and operate community service centers, rehabilitation facilities, and workshops; and

(5) perform other duties assigned by the executive director or the board.

Amended by Chapter 37, 1996 General Session



**53A-24-305. Appointment of advisory council.**

(1) The board shall appoint an advisory council to advise and assist the office, DSBVI, and, as appropriate, the board in matters relating to the needs of individuals who are blind or have visual impairments and the activities of DSBVI.

(2) At least one-third of the members of the council shall be individuals who are blind or have visual impairments.

(3) Members may be reimbursed for authorized actual and necessary expenses incurred by them in the performance of their official duties.

Amended by Chapter 37, 1996 General Session

**53A-24-401. Definitions.**

(1) "Deaf" means an individual with a diagnosed auditory deficit that renders the individual unable to comprehend spoken language through audition only, even with medical intervention or amplification, and results in functional limitations in one or more areas of daily living.

(2) "Hearing impairment" means a diagnosed auditory deficit ranging from mild to profound that may or may not respond to medical intervention or amplification, and that results in functional limitations in one or more areas of daily living.

Enacted by Chapter 83, 1988 General Session

**53A-24-402. Creation.**

There is hereby created within the Utah State Office of Rehabilitation a Division of Services to the Deaf and Hard of Hearing, which is under the policy direction of the board and under the direction and general supervision of the executive director.

Amended by Chapter 78, 1990 General Session

**53A-24-403. Appointment of administrator for the division.**

(1) The executive director shall appoint an administrator for DSDHH with the approval of the board.

(2) The administrator of DSDHH shall administer the division in accordance with the direction of the executive director, board policies, and applicable state and federal laws and regulations.

Amended by Chapter 78, 1990 General Session

**53A-24-404. Division responsibilities.**

DSDHH may:

- (1) provide training and adjustment services for adults with hearing impairments;
- (2) assist public education officials in the discharge of their duties towards children with hearing impairments;
- (3) maintain a register of qualified interpreters;
- (4) provide training in the use of telecommunication devices for the deaf, and install and maintain those devices;

- (5) operate community centers for individuals with hearing impairments; and
- (6) perform other duties assigned by the executive director or the board.

Amended by Chapter 78, 1990 General Session

**53A-24-405. Appointment of advisory council.**

(1) The board shall appoint an advisory council to advise and assist the office, DSDHH, and, as appropriate, the board in matters relating to the needs of individuals with hearing impairments and the activities of DSDHH.

(2) At least one-third of the members of the council shall be individuals with hearing impairments.

(3) Members may be reimbursed for authorized actual and necessary expenses incurred by them in the performance of their official duties.

Amended by Chapter 78, 1990 General Session

**53A-24-501. Creation.**

There is hereby created within the Utah State Office of Rehabilitation a Division of Disability Determination Services, which is under the policy direction of the board and under the direction and general supervision of the executive director.

Enacted by Chapter 83, 1988 General Session

**53A-24-502. Appointment of administrator for the division.**

(1) The executive director shall appoint an administrator for DDDS with the approval of the board.

(2) The administrator of DDDS shall administer the division in accordance with the direction of the executive director, board policies, and applicable state and federal laws and regulations.

Amended by Chapter 4, 1993 General Session

**53A-24-503. Division responsibilities.**

D DDS may perform disability determination services authorized under state or federal law or regulation.

Amended by Chapter 4, 1993 General Session